

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KELLY SMITH,

Plaintiff,

NO. CV-09-004-RHW

vs.

ORDER DISMISSING ACTION WITHOUT
PREJUDICE

MAGGIE MILLER-STOUT, et al.,

Defendants.

By Order filed April 14, 2009, the court directed Mr. Smith to complete and file the financial affidavit provided by the court, as required by 28 U.S.C. § 1915(a)(1), or to pay the full \$350.00 filing fee for this action. Plaintiff did not comply and has filed nothing further in this action. Accordingly, **IT IS ORDERED** this action is **DISMISSED** without prejudice for failure to comply with the filing fee requirements and for failure to prosecute.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment of dismissal, forward copies to Plaintiff at his last known address and close the file.

DATED this 19th day of May 2009.

S/ Robert H. Whaley

ROBERT H. WHALEY
CHIEF UNITED STATES DISTRICT JUDGE

Q:\CIVIL\2009\Smith\9cv04rhw-5-15-disifp.wpd

ORDER DISMISSING ACTION WITHOUT PREJUDICE -- 1